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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) CR No.: 3-08-70174 JCS

CR No.: 3-08-70174 JCS

Plaintiff, } **STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME**

V.

JOSE MEDINA,

### Defendant

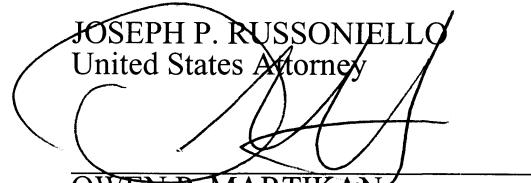
## STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME

On April 14, 2008, the parties in this case appeared before the Court for a preliminary hearing. At that time, the parties requested and the Court agreed to continue the hearing to April 25, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 14, 2008, to and including April 25, 2008. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant so agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. This continuance is the reasonable time necessary for continuity of

1 defense counsel and effective preparation of defense counsel, taking into account the exercise of  
 2 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice  
 3 served by granting such a continuance outweigh the best interests of the public and the defendant  
 4 in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

5 SO STIPULATED:

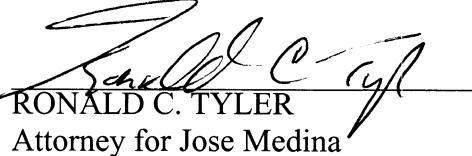
6  
 7 DATED: 4/15/08

JOSEPH P. RUSSONIELLO  
 United States Attorney  


8  
 9 DATED: 4/14/08

OWEN P. MARTIKAN  
 Assistant United States Attorney

10  
 11 DATED: 4/14/08

RONALD C. TYLER  
 Attorney for Jose Medina  


12  
 13 [PROPOSED] ORDER

14 For the reasons stated above, the Court finds that an exclusion of time from April 14, 2008,  
 15 to and including April 25, 2008, is warranted and that the ends of justice served by the  
 16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18  
 17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would  
 18 deny Mr. Medina continuity of counsel and would deny defense counsel the reasonable time  
 19 necessary for effective preparation, taking into account the exercise of due diligence, and would  
 20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21 SO ORDERED.

22 DATED: \_\_\_\_\_

23 HON. JAMES LARSON  
 24 United States Magistrate Judge